

REMARKS

In response to the Final Office Action mailed April 29, 2004, Applicants respectfully request entry of this Amendment, which is believed to comply with 37 C.F.R. § 1.116.

I. Allowed Subject Matter

Applicant notes with appreciation the allowance of claims 22, 23, 33, and 34.

II. Claim Rejections Under 35 U.S.C. §112, Second Paragraph

Claims 15, 18, 26, and 29 are rejected on antecedent basis grounds. Each of these claims has been amended to provide antecedent basis for the corresponding limitation noted in the Office Action. Accordingly, withdrawal of these rejections is respectfully requested.

III. Claim Rejections Under 35 U.S.C. §102(e)

Claims 13 and 24 are rejected as allegedly being anticipated by U.S. Patent No. 6,417,873 ("Fletcher"). Without acceding to the correctness of these rejection, Applicant has amended each of claims 13 and 24 to include subject matter previously recited in claims 14 and 25, respectively. Thus, it is respectfully asserted that no new issues are raised by these amendments that should preclude their entry after final. Claims 13 and 24, as amended, are believed to clearly distinguish over the cited references.

a. Claim 13 and Corresponding Dependent Claims

As amended, claim 13 recites a method that comprises an act of associating data from a data set with a file when at least one usage characteristic of the file matches at least one characteristic of the data set, wherein the at least one usage characteristic comprises at least a current date when a first software program is processing the file. Neither Fletcher nor U.S. Patent No. 6,357,040 to Porter (cited in the rejection of claim 14, from which subject matter of claim 13 was added) teaches or suggests a usage characteristic comprising a date. Indeed, the Office Action does not allege that either reference includes such a teaching. Further, Applicant

has performed a keyword search of the Fletcher and Porter references and the word "date" does not appear in either reference. Thus, without acceding that the combination of Fletcher and Porter is proper, Applicant respectfully asserts that any combination of the teachings of Fletcher and Porter fails to teach or suggest a method that comprises an act of associating data from a data set with a file when at least one usage characteristic of the file matches at least one characteristic of the data set, wherein the at least one usage characteristic comprises at least a current date when a first software program is processing the file, as recited in claim 13.

In view of the foregoing, withdrawal of the rejection of claim 13 is respectfully requested. Claims 14-21 depend from claim 13 and are believed to be allowable for at least the same reasons.

b. Claim 24 and Corresponding Dependent Claims

As amended, claim 24 recites at least one computer readable medium encoded with program that, when executed by a computer system, performs a method substantially identical to the method of claim 13. Thus, for the reasons discussed above in connection with claim 13, it is respectfully asserted that claim 24 patentably distinguishes over the prior art of record, such that the rejection of claim 24 should be withdrawn. Claims 25-32 depend from claim 24 and are believed to be allowable for at least the same reasons.

IV. Claim Rejections Under 35 U.S.C. §103(a)

Claims 14-21 and 25-32 are rejected under 35 U.S.C. §103(a) as being obvious over Fletcher in view of Porter.

Claims 14-21 and 25-32 depend from claims 13 and 24, respectively, and are believed to be allowable for at least the same reasons as the independent claims. Accordingly, for the sake of brevity, Applicant believes that it is unnecessary at this time to individually argue the allowability of claims 14-21 and 25-32 and reserves the right to specifically address the patentability these claims in the future, if deemed necessary.

Serial No.: 09/916,922
Conf. No.: 8770

- 9 -

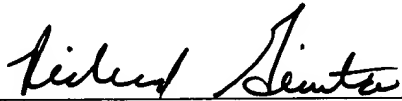
Art Unit: 2171

Conclusion

In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's attorney at the telephone number listed below to discuss any outstanding issues relating to the allowability of the application.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,
Richard G. Keiser, Applicant

By: 
Richard F. Giunta, Reg. No.: 36,149
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, Massachusetts 02210-2211
Telephone: (617) 720-3500

Docket No. R0558.70001US00
Date: July 29, 2004
x07/29/04